IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 31446 of 2007(R)

PETITIONERS:

1. P.A.KURIAKOSE,
   CHIEF ACCOUNTANT, KOOTHATTUKULAM FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.E.45, KOOTHATTUKULAM PO., ERNAKULAM DISTRICT.

2. T.T.THRESIA,
   BRANCH MANAGER, KOOTHATTUKULAM FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.E.45, KOOTHATTUKULAM PO., ERNAKULAM DISTRICT.

3. P.M.SOMAN,
   ACCOUNTANT, KOOTHATTUKULAM FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.E.45, KOOTHATTUKULAM PO., ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.BABY

RESPONDENTS:

1. KOOTHATTUKULAM FARMERS SERVICE CO-OP. BANK LTD.NO.E.45, KOOTHATTUKULAM P.O., ERNAKULAM DISTRICT, REPRESENTED BY ITS MANAGING DIRECTOR-IN-CHARGE.

2. M.K.CHANDRA MENON,
   MANAGING DIRECTOR - IN - CHARGE, KOOTHATTUKULAM FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.E.45, KOOTHATTUKULAM P.O., ERNAKULAM DISTRICT.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.

4. THE BOARD OF MANAGEMENT OF THE
KOOTHATTUKULAM FARMERS SERVICE CO-OPERATIVE BANK
LTD.NO.E.45, KOOTHATTUKULAM P.O., ERNAKULAM DIST.,
REPRESENTED BY ITS PRESIDENT.

R1, R2 & R4 BY ADV.SRI.M.G.KARTHIKEYAN
R3 BY GOVT.PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.31446 of 2007-R

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Dated this the 24th day of October, 2007.

JUDGMENT

1. The petitioners are employees of a co-operative bank.

2. In an earlier round of litigation, the second respondent herein faced an adverse order at the hands of the Joint Registrar in proceedings under the statute. That decision was interfered with by this Court in Ext.P4 judgment and confirmed also by the Division Bench in Ext.P7.

3. As a necessary consequence, the directions contained in Ext.P4 judgment had to be complied with. As a consequence of that, the petitioners apprehend that they are likely to be reverted. They accordingly have filed this writ petition seeking certain directions to the bank to retain them without reversion by granting them certain

notional placements and benefits given to the second respondent, the beneficiary of Exts.P4 and P7 judgments. This is a matter which does not require the interference of this Court at this point of time firstly because, it is the management which has to decide on a matter touching the service; secondly because, the employer is a co-operative bank and any litigation in service matters relating to it shall essentially go for arbitration in terms of the amended provisions of the Kerala Co-operative Societies Act and cannot be subjected even to procedures for rescission of resolutions, as has been held by this Court.

Under the aforesaid circumstances, this writ petition is dismissed without prejudice to the right of the petitioner to seek appropriate relief before the competent authorities, including the employer bank.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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